IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

MONDAY, THE 25TH JUNE 2007 / 4TH ASHADHA 1929

WP(C).No. 19351 of 2007(D)

OS.234/2006 of PRINCIPAL SUB COURT,PARAVUR

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PETITIONER:

VERONIKA JOSEPH, AGED 68 YEARS,
W/O.JOSEPH, THOTTAKAR HOUSE, MANJUMMALKARA,
ELOOR VILLAGE, PARAVOOR, TALUK.

BY ADV. SRI.VARGHESE C.KURIAKOSE
SRI.PRAVEEN K. JOY

RESPONDENTS:

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1. THRESSIAMMA DEVASSY,
W/O.C.DEVASSY, PUTHENPURAKKAL HOUSE,
POOVATHUSSERYKARA, PARAKKADAVU VILLAGE,
ALUVA TALUK.

2. ROSY IPE,
W/O.IPE, KATTANPARAMBIL HOUSE,
ALUVA WEST VILLAGE, ALUVA TALUK.

3. MARIYAMMA DEVASSY,
W/O.DEVASSY, THEKKAN HOUSE, KAPRASSERYKARA,
PARAKKADAVU VILLAGE, ALUVA TALUK.

4. KUNJIPAILO,
S/O.DEVASSY, EDASSERY HOUSE,
CHANBAROORKARA, ALUVA TALUK.

5. ROSY,
W/O.ANDO, CHABANNOOR KARA,
ALUVA TALUK.

6. ROSY,
D/O.ANTU, REPRESENTED BY MOTHER ROSY,
CHAMBANOOR KARA, ALUVA.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 25/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N.KRISHNAN, J.

WP(C)No. 19351 OF 2007 D

Dated this the 25th June, 2007.

JUDGMENT

This writ petition is filed seeking for a direction to dispose of O.S.234/06 pending before the Sub Court, North Paravoor, to call for the records in Exts.P9 & P6 orders and set aside the same and again to direct the Subordinate Judge to consider Ext.P10 application and pass appropriate orders. The suit is one for partition. The defence is to the effect that the property had been transferred in the name of the defendant as early as in 1983 and therefore there does not exist a partible right for any person and so the suit is liable to be dismissed. Along with the suit an application for injunction was filed. The court directed not to commit any waste in the property and by virtue of subsequent orders also affirmed that order. Learned counsel for the writ petitioner very strongly contends that there is not even a semblance of a case of the plaintiff in the suit and it is only unnecessarily to harass the defendants the suit is filed. It is also submitted that the writ petitioner is a senior citizen aged 68 years and a widow unable to look after even herself. Taking into consideration the nature of the contentions between the parties, I feel this is only a fit case where

directions can be given to the Subordinate Judge, North Paravoor to consider the case of the writ petitioner for an early disposal and dispose it of within a time frame of three months from today. Rest of the prayers are disallowed as there is a time bound direction granted by the court. Writ petition is disposed of accordingly.

M.N.KRISHNAN
Judge

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